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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,592	08/28/2001	Yoshio Komaki	018656-243	3266

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Platon N. Mandros
Burns, Doane, Swecker & Mathis, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

DANG, DUY M

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/939,592

Applicant(s)

KOMAKI, YOSHIO

Examiner

Duy M. Dang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 12, 13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 4-5 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on January 18, 2006 has been entered and made of record.
2. Claims 1-10 and 12-20 are currently pending.

Response to Arguments

3. Applicant's arguments (Argument) filed on January 18, 2006 have been fully considered but they are not persuasive.

In response to the Argument set forth in pages 9-11 with regard to the rejection of claim 1, it is noted that such Argument is against the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant further argues that the two references to Sekine and White could not be combined (see lines 13--22 of page 10 of the Argument: "Claim 1 is allowable...suggestions"). In response, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sekine teaches plurality of correction processes (i.e., the image shake correction system described in column 3 lines 1-10 corresponds to a first correction process; the image shake correction system described in column 3 lines 22-31 corresponds to a second correction process; and the image shake correction system described in column 3 lines 39-41 corresponds to a third correction process. These three shake

correction systems qualify as the claimed "plurality of correction processes". Further, the third image shaking correction process as described in column 3 lines 39-41 and column 9 lines 35-62 based on the variation of the correction characteristic (average brightness, brightest point, darkest point, a spectrum component and an amplitude of a modulated chrominance signal of each image) also qualifies as claimed "plurality of correction processes". In addition, the interframe mentioned in column 17 lines 31-40 does qualify as claimed "plurality of correction processes" because interframe refers to three correction processes or prediction of I frame, P frame, and B frame (so each correction is used for each I/P/B frame)). However, Sekine is silent to claimed "selection" which is taught by White in column 2 lines 20-26. White suggests to do so for (1) cost-effective and reliable correction so scene details are not degraded according to column 2 lines 4-6, and (2) noise reduction according to column 1 lines 40-57. Therefore, the combination of Sekine and White is proper for that reasons.

In response to the Argument set forth in last seven lines of page 11 to page 12, examiner's response to Argument with regard to claim 1 above are incorporated herein.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-3, 6-10, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine et al. (USPN 6,049,354. Referred as "Sekine") in view of White et al. (USPN 5,721,427. Referred as "White").

The advanced statements set forth in paragraph 3 of the previous Office Action mailed on November 11, 2005 are incorporated herein.

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6. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine et al. (USPN 6,049,354. Referred as "Sekine") in view of White et al. (USPN 5,721,427. Referred as "White") as applied to claims 1, 6-10, and 12-13, and further in view of Prentice et al. (US Pub 2003/0030729. Referred as "Prentice").

The advanced statements set forth in paragraph 4 of the previous Office Action mailed on November 11, 2005 are incorporated herein.

Regarding newly added claim 20, it is noted that this claim recites similar features called for in claims 15-19. So, claim 20 is also rejected for the same reason as set forth in claims 15-19.

Allowable Subject Matter

7. Claims 4-5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd
3/06



Duy M. Dang
Patent Examiner